

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL MATEO MARKUS, a/k/a
“RATTLER”,

Defendant.

Case No. 1:17-cr-00030

**UNITED STATES’ RESPONSE TO
DEFENDANT’S MOTION TO
RECONSIDER ORDER OF
DETENTION**

The United States of America, by Christopher C. Myers, United States Attorney for the District of North Dakota, and Gary L. Delorme, Assistant United States Attorney, resists defendant’s motion to reconsider order of detention.

The undersigned requests that the defendant, Michael Mateo Markus, remain in custody. Although the defendant maintains in his motion that he has secured a stable residence in Bismarck and would abide by any conditions that this Court and pre-trial release would require, it does not ensure any illegal conduct would not continue nor change the basis for which this Court found defendant to be a flight risk.

At the detention hearing, this Court found that the United States demonstrated by a preponderance of the evidence that the defendant is some risk of nonappearance. Those factors included the charge conduct, the weight of the evidence of the conduct, defendant’s acknowledgment he poured gasoline on a barricade, evidence defendant engaged in other unlawful activity that put the safety of law enforcement officers at risk, and evidence defendant violated the first order for release.

Further, defendant has not secured placement in a halfway house. This was one of the Court's conditions if it were to reconsider detention. Although protest camps located on Army Corps land have now been evacuated, protestors have simply moved to other nearby camps on the Standing Rock Sioux Tribe and Cheyenne River reservation lands. The closing of those camps did not end the protest and if the defendant was released to Ms. Carol Larsen's residence then he would not be under direct supervision and would be living a short distance from where he engaged in the instant criminal conduct. In fact, the current state of the protestors, obtained via open source monitoring of social websites, indicate they are aggressively seeking donations to support the return of activists from locations nationwide to block the construction of the Keystone XL pipeline in the District of South Dakota. Given the short distance between Bismarck and the remaining—and newly constructed—camps, the defendant could simply walk away from a residential location without notification to pretrial services for days or even weeks.

For the reasons stated above the undersigned requests that defendant's motion to reconsider order of detention be denied.

Dated: March 9, 2017.

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